

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION**

GILDA HAGAN-BROWN

Plaintiff,

v.

ELI LILLY AND COMPANY, an Indiana
corporation,

Defendant.

CASE NO.: 1:14-CV-01614

JANINE ALI

Plaintiff,

v.

ELI LILLY AND COMPANY, an Indiana
corporation,

Defendant.

CASE NO.: 1:14-CV-01615

**DECLARATION OF JEFFREY BOZMAN IN SUPPORT OF DEFENDANT’S
OPPOSITION TO PLAINTIFFS’ MOTION TO COMPEL**

1. I, Jeffrey Bozman, declare as follows pursuant to 28 U.S.C. § 1746:

I am an attorney at the law firm of Covington & Burling LLP, counsel for Defendant Eli Lilly and Company (“Lilly”). I am a member in good standing of the bars of the Eastern District of Virginia, the Commonwealth of Virginia, and the District of Columbia. I have personal knowledge of the facts set forth in this Declaration, which I make to place before the Court documents and information relevant to its determination of Lilly’s Opposition to Plaintiffs’ Motion to Compel.

2. Attached as Exhibit A hereto is a true and correct copy of Plaintiffs' First Set of Requests for Production in *Hexum v. Eli Lilly & Co.*, No. 2:13-cv-2701-SVW (MAN) (C.D. Cal.), dated October 15, 2013.
3. Attached as Exhibit B hereto is a true and correct copy of Plaintiffs' First Set of Interrogatories in *Hexum v. Eli Lilly & Co.*, No. 2:13-cv-2701-SVW (MAN) (C.D. Cal.), dated October 15, 2013.
4. Attached as Exhibit C hereto is a true and correct copy of an email from Phyllis A. Jones to T. Matthew Leckman, dated Dec. 9, 2013.
5. Attached as Exhibit D hereto is a true and correct copy of emails from Kandace Middleton or Sara Coley to T. Matthew Leckman, transmitting Lilly's productions, dated August 22, 2014, September 29, 2014, and March 10, 2015.
6. Attached as Exhibit E hereto is a true and correct copy of an email from T. Matthew Leckman to Phyllis A. Jones, dated July 1, 2014 and attaching Plaintiffs' Draft ESI Protocol.
7. Attached as Exhibit F hereto is a true and correct copy of an email thread containing emails from Phyllis A. Jones to T. Matthew Leckman, dated August 1, 2014 and November 3, 2014.
8. Attached as Exhibit G hereto is a true and correct copy of Plaintiffs' Amended Notice of Video Deposition Pursuant to Fed. R. Civ. P. 30(b)(6): Sales Training for Cymbalta in *Hexum v. Eli Lilly & Co.*, No. 2:13-cv-2701-SVW (MAN) (C.D. Cal.), dated June 18, 2014.
9. Attached as Exhibit H hereto is a true and correct copy of Plaintiffs' Amended Notice of Video Deposition Pursuant to Fed. R. Civ. P. 30(b)(6): Drug Safety Surveillance, *Hexum v. Eli Lilly & Co.*, No. 2:13-cv-2701-SVW (MAN) (C.D. Cal.), dated June 18, 2014.

10. Attached as Exhibit I hereto is a true and correct copy of Plaintiffs' Amended Notice of Video Deposition Pursuant to Fed. R. Civ. P. 30(b)(6): Regulatory Affairs, *Hexum v. Eli Lilly & Co.*, No. 2:13-cv-2701-SVW (MAN) (C.D. Cal.), dated June 18, 2014.
11. Attached as Exhibit J hereto is a true and correct copy of an email from Phyllis Jones to Kevin O'Brien dated July 9, 2014.
12. Attached as Exhibit K hereto is a true and correct copy of an email from Phyllis Jones to T. Matthew Leckman dated Aug. 6, 2014.
13. Attached as Exhibit L hereto is a true and correct copy of Plaintiffs' Second Set of Requests for Production in *Hexum v. Eli Lilly & Co.*, No. 2:13-cv-2701-SVW (MAN) (C.D. Cal.), dated Sept. 19, 2014.
14. Attached as Exhibit M hereto is a true and correct copy of a letter from Phyllis A. Jones to Counsel for Plaintiffs, dated January 13, 2015.
15. Attached as Exhibit N hereto is a true and correct copy of a letter from Michael L. Baum, et al. to Phyllis A. Jones and Mike X. Imbroscio, dated January 22, 2015.
16. Attached as Exhibit O hereto is a true and correct copy of a letter from Phyllis A. Jones to R. Brent Wisner, dated January 27, 2015.
17. Attached as Exhibit P hereto is a true and correct copy of a letter from Phyllis A. Jones to R. Brent Wisner, dated February 5, 2015.)
18. Attached as Exhibit Q hereto is a true and correct copy of excerpts of the deposition of David Perahia, taken on December 12, 2014.
19. Attached as Exhibit R hereto is a true and correct copy of Exhibit 2 from the 30(b)(6) deposition of Stephen Knowles, taken on July 17, 2014.

20. Attached as Exhibit S hereto is a true and correct copy of Lilly's NDA submission cover letter from Gregory T. Brophy, dated November 12, 2001.

21. Attached as Exhibit T hereto is a true and correct copy of excerpts of the deposition of Sharon Hoog, taken on December 10, 2014.

22. Attached as Exhibit U hereto is a true and correct copy of Lilly's sNDA submission cover letter from Bryan Boggs, dated October 31, 2006.

23. Attached as Exhibit V hereto is a true and correct copy of Lilly's sNDA submission cover letter from Ann R. Sakai, dated April 27, 2006.

24. Attached as Exhibit W hereto is a true and correct copy of Exhibit 2 from the 30(b)(6) deposition of Elyas Musleh, taken on July 18, 2014.

25. Attached as Exhibit X hereto is a true and correct copy of excerpts of the deposition of Sara Mescher, taken on December 9, 2014.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Executed on April 1, 2015 in Washington, D.C.

/s/ Jeffrey T. Bozman

Jeffrey Bozman